



Air Quality-Related Features of SAFETEA-LU

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Air Quality – What Changed?

★ Conformity

- ★ Minimum frequency extended to 4 years
- ★ Grace Periods
- ★ Horizon Years
- ★ TCM Substitution
- ★ Conformity Lapse Effective Date

★ CMAQ

- ★ Major changes to project eligibility
- ★ Funding formula tweaks

★ Other/Related Items

- ★ Clean School Bus grants; Planning and TIP changes; Exceptional Events policy (air monitoring); Federal Reference Methods; HOV lane changes (hybrids); rest area electrification; Conformity SIP

Conformity – 1

- ✱ Minimum frequency of regional conformity determinations
 - ✱ Extended to 4 years to match new RTP and TIP intervals
- ✱ Grace Periods
 - ✱ Extends grace period for conformity determination after a new emission budget from 18 months to 2 years
- ✱ TCM Substitution
 - ✱ Sets up a procedure for replacing Transportation Control Measures without doing a SIP Amendment through EPA.

Conformity – 2

☀ Horizon Years

☀ Regional Conformity Analysis in general

- The latest of:
 - 10 years
 - Latest year with an emission budget in the SIP
 - Year after completion date of the last regionally significant project in the TIP, or that needs approval before the next conformity determination
- Will this change most horizon years in CA? No.

☀ Attainment-Maintenance Areas

- The last year of the Maintenance period, if it is earlier than one of the basic horizon years above.
- Maintenance Period is 20 years after redesignation of the area to Attainment.

Conformity – 3

☀ Conformity Lapse

- ☀ Details a little sparse, but appears to apply a 1-year delay in full application of Conformity Lapse
- ☀ Applies in cases where a deadline is missed, not where Lapse occurs for other “triggering” reasons like application of Clean Air Act Sanctions.
- ☀ Effect would probably be similar to a “Conformity Freeze” or “Lockdown” – would not shut down ongoing work, or prevent project approvals if they come from the previously conforming TIP, but new decisions requiring a conformity determination could not be made.

CMAQ – Project Eligibility – 1

- ✱ Extends CMAQ eligibility to projects in areas that ARE or WERE nonattainment or maintenance since 1990, or must submit to EPA a Maintenance SIP.
 - ✱ Appears to allow AMBAG, Santa Barbara, Indian Wells Valley areas to keep doing CMAQ projects
 - ✱ Language is a little loose – possible confusion with Section 110A Maintenance SIP requirement for all 8-hour ozone Attainment/Unclassified areas
- ✱ Major changes to eligible-project lists
- ✱ Congressional priority declaration
- ✱ Various consultation and report requirements

CMAQ – Project Eligibility – 2

★ Project List Changes – All ADDITIONS

- ★ Truck Stop Electrification
- ★ TSM/Operational Projects
- ★ Other projects from a database that must be developed of “highly effective” emission reduction projects
- ★ Interoperable Emergency Communication projects
- ★ On- and Off-Road Diesel Engine Retrofit projects
 - Off-Road limited to equipment used in construction of projects funded under Titles 23 or 49
- ★ Outreach projects regarding diesel engine emission reduction/retrofit programs

CMAQ – Project Eligibility – 3

★ Congressional Priority Statement

- a) diesel retrofits, especially for construction and other projects where there may be contract requirements (i.e. environmental mitigation commitments) to be met; then
- b) other cost-effective EMISSION REDUCTION activities; then
- c) cost-effective congestion mitigation activities.

★ Clear Congressional Intent: diesel emission reduction projects are the highest priority for funds; congestion mitigation without demonstrated emission reduction is lowest priority

CMAQ – Project Eligibility – 4

- ★ Air Agency Consultation
 - ★ “Encourages” consultation with air agencies regarding estimated emission reductions
 - ★ We already do that in California
- ★ Minor adjustments regarding project eligibility in minimum-allocation States
- ★ Requires EPA to prepare an Emission Reduction Guidance document concentrating mainly on diesel retrofits
- ★ Various US DOT reporting requirements
- ★ Adjustments for specific States (not CA)

CMAQ Apportionments

- ✦ Population Weighting Factors unchanged from TEA-21 system except:
 - ✦ Basic (Subpart 1) areas added
 - ✦ “Floor” weight is now 1.0 (rather than 0.8) for Maintenance, Marginal, and Subpart 1 areas. Higher weights for worse (Moderate-Serious-Severe-Extreme) areas remain.
 - ✦ CO Nonattainment/Maintenance extra weight for ozone areas is now 1.2
- ✦ PM10 and PM2.5 do NOT have weights
 - ✦ PM10/2.5 projects are eligible for funding, but PM10/2.5 nonattainment is not considered in apportionment.

Environmental Streamlining

- ✱ Numerous changes to NEPA process
- ✱ Of interest regarding air quality:
 - ✱ Delegation
 - Allows delegation of some project approval activities, including NEPA and probably project-level conformity determinations, to States
 - ✱ Statute of Limitations
 - For the first time, applies a Statute of Limitations (180 days) to transportation project decisions including environmental and project-level conformity.
 - Unclear: does this apply to conformity decisions for RTPs as well?

Other Air Quality-Related Provisions – 1

★ HOV Lanes

- ★ Changes provisions regarding public transit vehicles – intended? Decal now required.
- ★ Allows HOT lanes
- ★ Continues ILEV, adds hybrid provisions for single-occupant HOV lane use

★ Planning

- ★ 4-year RTP cycle in nonattainment/maintenance areas (subject to conformity); 5-year elsewhere
- ★ 4-year TIP (FSTIP) cycle
- ★ Enhanced consultation requirements in multi-MPO nonattainment areas, and with air agencies

Other Air Quality-Related Provisions – 2

☀ Rest Area Electrification

- ☀ Explicitly allows truck idling reduction projects at safety roadside rest areas
- ☀ Would allow projects like one proposed by Sacramento Metro AQMD

☀ Clean School Bus grant program

- ☀ Separate from CMAQ and other funding programs
- ☀ Similar to Carl Moyer as applied to school buses
- ☀ For retrofit and replacement of diesel buses

☀ Conformity SIP

- ☀ Streamlined – greatly reduced boilerplate requirement

Other Air Quality-Related Provisions – 3

★ EPA/Clean Air Act-related matters

★ Exceptional Events

- Appears to place current EPA air quality monitoring guidance into law regarding exclusion of certain high emission concentrations from use in determining nonattainment status

★ Federal Reference Method

- Requires DOT (EPA?) to develop a reference method for directly measuring the coarse fraction (PM₁₀-PM_{2.5}) of particulate matter, and performing chemical characterization



The End